

March 27, 2020

VIA ECF

The Honorable Lorna G Schofield
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Jane Doe, et al. v. Trump Corp., et al., 1:18-cv-9936 (LGS)

Dear Judge Schofield:

We write on behalf of both parties, and pursuant to the Court's Order dated March 13, 2020 (Doc. No. 198), to update the Court on the status of our discussion with respect to certain remaining discovery issues. We are pleased to report agreement on all but three discrete issues as to which the parties continue to meet and confer.

Following the Court's March 13 Order, Plaintiffs sent letters to Defendants dated March 16 and March 23, in which Plaintiffs proposed certain additional custodians, extended date ranges, narrowed search terms for the extended date ranges, and modifications of certain discovery deadlines. Following a meet-and-confer and additional correspondence, the parties have agreed as follows:

I. ADDITIONAL CUSTODIANS

Defendants will expand their searches for relevant documents to include at least the following six additional custodians:¹

- Hope Hicks
- Owen Reidy
- Katherine Murphy
- Meredith McIver
- Jessica Macchia
- Alex Cannon

Plaintiffs also have requested the addition of three further custodians: Amanda Miller, Phil O'Grady, and Kelly Shea. Defendants have stated they believe that at least a portion of these three individuals' files may be maintained in archival form. Defendants take the position that it may be unduly burdensome to restore or retrieve those files from Defendants' archives. Plaintiffs have asked for certain information relating to the format and medium of any such archival material, and Defendants have agreed to provide that information. Plaintiffs reserve all rights with respect to these three custodians following Defendants' response to Plaintiffs' inquiries.

¹ While Plaintiffs initially requested the addition of Eleonor Content and Corey Lewandowski as custodians as well, Defendants have represented that neither they nor The Trump Organization exercises possession, custody, or control over those individuals' files.

II. SEARCH TERMS FOR JANUARY 1, 2005 TO OCTOBER 29, 2013

Defendants have agreed to run the narrowed search terms set forth below, for the extended time periods noted below, for all agreed custodians:

	Terms	Time Frame
1	"ACN" OR "American Communications Network" OR "LKN"	January 1, 2005 to October 29, 2013
2	("Direct" w/2 "selling") OR ("Network" w/2 "marketing") OR "MLM*" OR ("pyramid*" w/5 "scheme*")	January 1, 2005 to October 29, 2013
3	"Success" w/2 ("Home" OR "mag*" OR "magazine*")	January 1, 2005 to October 29, 2013
4	("Anne" w/2 ("Butcher" OR "Archer")) OR ("Dolphin" w/10 ("Media" or "Entertainment")) OR " dolphinent@aol.com " OR "Dolphin Media Group" OR " *@dolphinmediagroup.com "	January 1, 2008 to October 29, 2013
5	Provenzano	January 1, 2005 to October 29, 2013
6	Cupisz	January 1, 2005 to October 29, 2013
7	Stevanovski	January 1, 2005 to October 29, 2013
8	("videophone!" OR "video phone!") OR Worldgate	January 1, 2005 to October 29, 2013
9	("International" w/2 "Training*")	January 1, 2005 to October 29, 2013

The parties are continuing to meet and confer about the responsiveness criteria that Defendants will apply to documents responsive to these searches. Pursuant to the Court's March 13 Order, the parties will report on the status of those discussions by letter on Monday, and will be prepared to address any remaining disputes with the Court during the telephone conference scheduled for April 1.

III. ORGANIZATIONAL INFORMATION

Following our joint letter dated March 20, 2020, the parties have now reached the further agreement that Defendants will produce entity-level organizational information from January 1, 2013 to the present by March 30, 2020. (*See* Doc. No. 207, Section II.)

Plaintiffs also have requested organizational information, at both the individual and entity levels, for the time period January 1, 2005 to January 1, 2013. Defendants have represented that they are investigating the availability of such information, and the parties are continuing to meet and confer about the production of such information.

IV. DEADLINES AND SCHEDULING

Pursuant to the Court's guidance during the March 12 conference, the parties have agreed to, and hereby jointly request, an April 30, 2020 deadline for substantial completion of document discovery, with the understanding that the parties will meet and confer and work cooperatively to accommodate any trailing productions that may be necessary as a result of, among other things, the unique circumstances presented by the COVID-19 pandemic.

The parties have further agreed to, and hereby jointly request, a June 30, 2020 deadline for completion of fact depositions, and of fact discovery generally, with the understanding that the parties will meet and confer and work cooperatively to address the unique circumstances presented by the COVID-19 pandemic, and respectfully reserve the right to seek further extensions of that deadline as necessary and appropriate.

If the Court is amenable to these jointly requested extensions, the parties further request a corresponding extension of the expert discovery deadline set forth in Paragraph 9(b) of the Second Amended Case Management Plan (Doc. No. 192), as well as corresponding extensions of the conference dates set forth in Paragraphs 13(b) and (c).

Respectfully submitted,

/s/ Roberta A. Kaplan

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